

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY

MARK F. SCHULTZ and
LANDMARK CONSOLIDATED, INC.
Plaintiffs,

VS.

JOHN ACKER, and,
MIRACLE STRIP HOLDINGS, X, LLC
DEFENDANTS

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CIVIL ACTION NO. A-17-cv-1088 LY

**ORDER GRANTING AGREED JOINT MOTION TO ESTABLISH NEW RESPONSE
TIME BY COUNTERCLAIM DEFENDANTS TO ACCOMMODATE A REPLEADING
OF THE AMENDED ANSWER AND COUNTERCLAIM**


The Court has considered the Agreed Joint Motion to Establish New Response Time By Counterclaim Defendants To Accommodate A Repleading Of The Amended Answer and Counterclaim(the "Motion") [Doc. 23] and finds that good cause exists for granting the Motion.

IT IS THEREFORE HEREBY ORDERED AS FOLLOWS:

1. The Motion is GRANTED. The requirement that the proposed pleading be attached to a motion under Local Rule CV 7(b) is excused under the circumstances set forth in the Motion;
2. Defendants have leave to file a Second Amended Answer and Counterclaim by the later of March 9, 2018 or two calendar days from the date this Order is entered;
3. The time for Plaintiff/Defendants' to file an answer or motion under the Order entered on March 5, 2018 [Doc. 22] is extended by this Order;
4. The deadline time for Plaintiff/Defendants' to file an answer or motion to the newly-filed Second Amended Answer and Counterclaim shall be fourteen days from the filing of that new pleading;

5. Defendants/Counterclaimants' joinder in the Motion is not an admission by them as to the need for or merits of a motion under FRCP 12(e). If a motion with respect to the counterclaims pled in the Second Amended Answer and Counterclaims is filed by Plaintiffs/Counterclaim Defendants, Defendants/Counterclaimants shall not be prejudiced with respect to being permitted to file a "curative" pleading (if the Court determines that repleading or dismissal may otherwise be appropriate).

SO ORDERED this 7th day of March, 2018.


Lee Yeakel
UNITED STATES DISTRICT JUDGE